

**PATENT****IN THE SPECIFICATION**

Please amend the paragraph of the specification as follows:

Please replace the second paragraph on page 1 with the following amended paragraph:

U.S. Patent Application No. xxx,xxx,xxx U.S. Patent No. 6,973,098, issued on December 6, 2005, entitled "METHOD AND APPARATUS FOR DETERMINING A DATA RATE IN A HIGH RATE PACKET DATA WIRELESS COMMUNICATIONS SYSTEM," filed concurrently herewith and assigned to the assignee hereof which is hereby expressly incorporated by reference herein.